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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,178	09/10/2001	Christopher J Fenton	36-1486	9548
23117	7590	02/06/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			ELAHEE, MD S	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/936,178	Applicant(s) FENTON ET AL.	
	Examiner Md S. Elahee	Art Unit 2645	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-8,10,11,14-18,20,22,25 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9,19,34,35 is/are allowed.
- 6) ☒ Claim(s) 1,4-8,10,11,14-18,20,22,25,32 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 11/07/05. Claims 1,4-8,10,11,14-18,20,22,25 and 32-35 are pending. Claims 2,3,12,13,21,23,24 and 26-31 have been cancelled.

### ***Response to Arguments***

2. Applicant's arguments filed on 11/07/05 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### ***Allowable Subject Matter***

3. Claims 9,19,34,35 are allowed.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1,4-8,10,11,14-18,20,22,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Houde et al.** (US 5,978,678) in view of **Alperovich et al.** (U.S. Patent No. 5,978,673).

As to Claims 1,11, with respect to Figures 1-3, **Houde** teaches a method of providing a user of a home fixed network, 12, with use of a visited fixed telephone network, 32 by registering the user with the visited fixed telephone network, the method comprising

initiating a communication with a visitor node from a fixed termination wherein the visitor node and the fixed termination are located in the visited fixed telephone network (Col. 4, lines 32-67);

supplying the visitor node with the IMSI (identity of the user-selected fixed termination) and

with a first identification number, MIN, the first identification number identifying the user and a home node located in the home fixed telephone network, 12, and

registering the visitor node as a proxy with the home node using the first identification number so as to allow routing by the home node of a call intended for the user to the user-selected fixed termination (Col. 4, lines 32-67).

However, **Houde** fails to teach “receiving a selection by the user of the fixed termination from a plurality of fixed terminations located in the visited fixed telephone network”. **Alperovich** teaches receiving a selection by the user of the fixed termination from a plurality of fixed terminations located in the visited fixed telephone network (fig.6; col.7, lines 3-41). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Houde** to receive a selection by the user of the fixed termination from a plurality of fixed terminations located in the visited fixed telephone network as taught by **Alperovich**. The motivation for the modification is to have doing so in order to forward incoming calls to a particular location according to a user own choice.

As to Claims 4,14, **Houde** teaches a method according to claim 1 wherein the visitor node comprises a visitor switching device and a visitor location database (Figure 1, labels 34,42).

As to Claims 5,16, **Houde** teaches a method according to claim 1 wherein the user-selected fixed termination is assigned a temporary routing number (Col. 5, lines 28-31).

As to Claims 6,17, **Houde** teaches a method according to claim 1 further comprising providing a further user of the home telephone network with use of the visited fixed telephone network,

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wherein a call intended for the further user is routed to the user-selected fixed termination (Col. 5, lines 1-10).

As to Claims 7,15, **Houde** teaches a method according to claim 1 wherein the visited fixed telephone network is a public switched telephone network and the identity of the user-selected fixed termination comprises providing the telephone number of a terminal attached to the public switched telephone network (Col. 3, lines 15-20, Col. 4, lines 25-27, col.5, lines 5-8).

As to Claims 8,18, **Houde** teaches a method according to claim 1 further comprising supplying the user with a temporary directory number (second identification number) for enabling the user to use the visited fixed telephone network and for enabling the visitor node to record the use of the visited fixed telephone network by the user (Col. 6, lines 24-29).

As to Claims 10,20, **Houde** teaches a method according to either claim 8 wherein the recorded use of the visited fixed telephone network is supplied to the home node for the purposes of billing (Col. 1, lines 32-44).

As to Claims 22,25, **Houde** teaches the method of Claim 1 wherein the user registers with the visited fixed telephone network without a need for any terminal equipment to be brought by the user to a region in which the visited fixed telephone network operates (Col. 4, lines 25-27 and 60-67).

8. Claims 32,33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Houde et al.** (US 5,978,678) in view of **Alperovich et al.** (U.S. Patent No. 5,978,673) further in view of **Syed et al.** (U.S. Patent No. 6,038,451).

As to Claims 32,33, **Houde** teaches that the visited fixed telephone network is a public switched telephone network (Col. 3, lines 15-20, Col. 4, lines 25-27, col.5, lines 5-8).

However, **Houde** in view of **Alperovich** does not specifically teach “the home fixed telephone network is public switched telephone networks”. **Syed** teaches that the home fixed telephone network and the visited fixed telephone network are public switched telephone networks (fig.1,3; col.4, line 56-col.5, line 27). (Note; home fixed telephone network is consisting of items 15, 49, 45 and 47 of fig.1 and visited fixed telephone network is consisting of items 47, 41, 43) Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Houde** in view of **Alperovich** to incorporate the home fixed telephone network being public switched telephone networks as taught by **Syed**. The motivation for the modification is to have doing so in order to reduce usage charges for calls made to and from a subscriber’s wireless number by using wireline telephone communications as much as possible.

### *Conclusion*


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE  
February 2, 2006

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600